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CITY OF OAKLAND
POLICE DEPARTMENT

OAKLAND POLICE DEPARTMENT
HISTORY 1852 – 1900
(PART 1)

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A HISTORY OF THE OAKLAND POLICE DEPARTMENT: 1852 - 1900

"...the leading citizens of the new town understandably felt a need to organize a peacekeeping force...Patrolmen were not specialists. They were expected to be alert for crimes and other problems on their beats and, when possible, to resolve them on their own..."

Editor: Captain William Clark

Associate Editor: Phil McArdle

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A HISTORY OF THE OAKLAND POLICE DEPARTMENT:

1852 - 1900

by

Phil McArdle

In Oakland, The Story of a City, Beth Bagwell wrote,

Oakland is not usually thought of as a Gold Rush town, yet it was the Gold Rush that brought the town into being...San Francisco was established first. The East Bay was called the Contra Costa, meaning 'the opposite shore.' But even before the Gold Rush, people rowed across the bay to hunt and fish, to trade with the Peraltas for fruit or beef, and to cut redwood in the hills. When the Gold Rush increased the numbers of Americans, one way to the mines was by stage-coach from the Contra Costa. It was not long before some decided to establish holdings in the East Bay. Many preferred the peace of the oak groves to the 'gold, whiskey, fights, and fandangoes' of San Francisco.

The East Bay was settled by men who worked in San Francisco, but who enjoyed spending their off-hours in the cool breezes and warm sun of the East Bay. In the early days the East Bay prided itself on its serenity, its casual way of life, and the neighborliness of its citizens.

Many of the new residents made straightforward purchases of land from the Peralta family, whose ranch land reached from the border of San Leandro north to El Cerrito. Between 1852 and 1853 Vicente Peralta received approximately \$110,000 for portions of his holdings (while retaining 700 acres in the vicinity of Telegraph Avenue and Fifty-first Street). Domingo Peralta sold most of Albany and Berkeley for \$82,000, but kept 300 acres in North Berkeley for his own use.

Peralta dealings with squatters did not go so smoothly.

In 1850 Horace Carpentier, Andrew Moon, and Edson Adams established themselves on the 480 acres of Vicente Peralta's land lying between the estuary and present day 14th Street, bounded on the north by Market Street and the south by Oak Street. Like other squatters, they denied the validity of Vicente Peralta's claim to ownership. Expensive and confusing litigation



Oakland, ca. 1852,
looking east along Broadway

followed which helped to bankrupt Vicente Peralta before his title was validated.*

In the meantime, the land on which Carpentier and his associates settled became the center of the East Bay. They hired Julius Kellersberger, a well-known surveyer, to lay out a town site. Once the land had been divided into streets, they began to sell lots for houses and stores. Before long a thriving little village had come into being. On May 4, 1852, at Carpentier's initiative, the Legislature incorporated the site as the Town of Oakland.

THE FIRST FIFTY YEARS

The "Act to incorporate the Town of Oakland" (May 4, 1852) provided for all the necessary functions of government including the right to elect officials, establish schools, regulate businesses, and "to secure...peace and good order...to license and suppress dram shops, horse racing, gambling houses and houses of ill fame, and all indecent or immoral practices, shows and amusements..."

*The question of land titles lies outside this study. Confusion had arisen when the U.S. government undertook to investigate the validity of claims to land based on grants by Spain and Mexico prior to the Mexican-American War. Claims were judged by a Land Commission established in 1851, but it was years before all the cases brought before it were resolved.

In the 1850s San Francisco was wide open. Gold-seekers arrived from all over the world. Gambling, prostitution, burglary, and homicide flourished at a rate that horrified many East Bay residents. Between 1849 and 1856, it is estimated, there were 1,000 homicides in San Francisco. Only one man was prosecuted for murder.

As the population of the East Bay continued to grow, the leading citizens of the new town understandably felt a need to organize a peacekeeping force. They provided support for the Town Council ordinance of September 14, 1853, which established a police force for the Town of Oakland.

The Marshals

On October 15, 1853, according to Merritt's History of Alameda County, John McCann was appointed Marshal by the Town Council.*

Three days later, on October 18th, the Council passed "An ordinance supplementary to an Ordinance to organize a Police Department for the Town of Oakland."

On March 25, 1854, Oakland was incorporated as a city. The population, estimated at several hundred, included laborers, farmers, small businessmen, gamblers, drifters, and a small but growing number of families.

In the early days of the City, as Beth Bagwell wrote,

Wild longhorn cattle still roamed and were a danger to children. One or two men were killed in the shooting in "jumper riots," fights over land claims that occurred when rough gangs from San Francisco would row over at night and try to jump Oakland claims. A diphtheria epidemic in the earlier years took the lives of several children, leaving the few who were left even more precious than before. A man was lynched in 1855 on suspicion of horse theft. Once some children dug up the skeleton of a man along with a box containing little glass pitchers; the coroner told the children the man must have been a pirate.

On May 6, 1854, John Hogan was elected Marshal and two policemen, R.W. Kellogg and William McCaw, were also elected.

The City Council paid the new police officers a salary of \$150 per month and provided a \$75 budget for badges. In November it authorized the construction of a station house.

*Merritt actually wrote "Chief of Police" rather than "Marshal," but this was almost certainly a slip of the pen. At another point in his history Merritt provided a comprehensive record of Oakland's elected officials from 1854 through 1874, and listed the title of Marshal throughout.

MARSHALS, CAPTAINS AND
CHIEFS OF POLICE*

(1853 to 1973)

MARSHAL:

1. John McCann	1853	6. James Brown	1863
2. John Hogan	1854	7. E. I. Smith**	1865
3. J. P. M. Davis	1855	8. James Brown	1866
4. A. Davison	1859	9. Charles P. McKay	1868
5. William Hoskins	1860		

CAPTAIN:

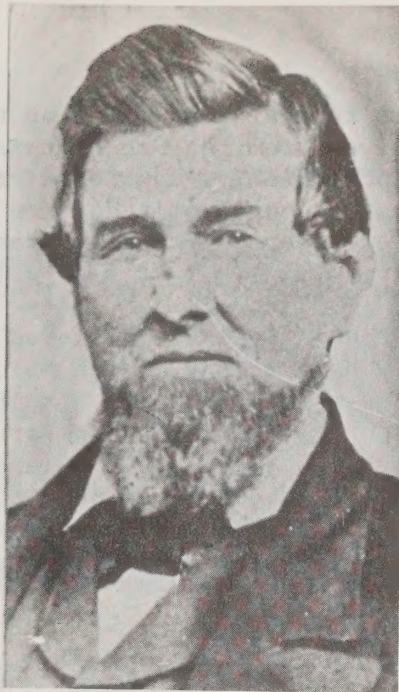
10. Fred B. Tarbett	1869	15. Peter Pumyea	1881
11. Dave Rand	1874	16. E. J. Chase	1882
12. William M. Gray	1877	17. Peter Pumyea	1883
13. Willard F. Fletcher	1878	18. William R. Thomas	1885
14. Gerison Whipple	1881	19. Peter Pumyea	1888

CHIEF:

20. John W. Tompkins	1889	32. James T. Drew	1921
21. Louis Schaffer	1892	33. Don Marshall	1927
22. Charles E. Lloyd	1895	34. James T. Drew	1930
23. Willard F. Fletcher	1898	35. Bodie A. Wallman	1934
24. St. Clair Hodgkins	1899	36. Robert P. Tracy	1943
25. Adelbert Wilson	1906	37. Lester J. Divine	1949
26. Walter J. Petersen	1912	38. Wyman W. Vernon	1955
27. William F. Woods	1915	39. Edward M. Toothman	1959
28. Walter J. Petersen	1916	40. Robert J. Preston	1966
29. John H. Nedderman	1917	41. Charles R. Gain	1967
30. J. Frank Lynch	1919	42. George T. Hart	1973
31. Fenton G. Thompson	1921		

*By year of appointment.

**Listed by Merritt as City Constable.



Marshal J. P. M. Davis
(Taken after his election as Mayor in 1860)

The Marshal was Oakland's top law enforcement officer. "Chief of Police" as the title for the head of the Department did not come into use for another thirty-five years.

The Marshal had a dual function. He was charged with executing the laws and preserving the peace. He was also the tax collector.

From 1855 through 1869 the following individuals were elected as Marshals of Oakland: J. P. M. Davis, A. Davison, William Hoskins, James Brown, E. I. Smith, and Charles P. McKay. The term of office was one year, but several Marshals were elected for more than one term.

In the peacekeeping role the Marshal's duties resembled those of a sheriff. He usually coordinated the prosecution of arrestees and served as the liaison with the County Court, delivered warrants, and served court processes on witnesses. He provided administrative direction and support to his officers, but the patrolmen oversaw their own duties, planned their own investigations, and usually made the arrests.

Oakland had no equivalent of the Hounds or the Sydney Ducks, the infamous gangs which brought the San Francisco Vigilance Committee into being. Horace Carpentier, the new City's first mayor, urged the City Council to take all possible precautions "to prevent an infestation by criminals from the...City of San Francisco."

Oakland police officers kept a close watch on the entrances to the City. They regularly received notices from the San Francisco police and local ferry operators which identified potentially troublesome travellers. Since Oakland was small and quiet, thugs stood out prominently on the streets. Nighttime sweeps often netted likely offenders, and the vagrancy laws were used to order them to leave the City.

In the late nineteenth century people believed that public decorum should be enforced by law. What are now called "blue laws" were passed to compel adherence to the norms thought proper. In 1854 the California State Legislature passed "An Act to Prevent Noisy and Barbarous Amusements on the Sabbath," and Oakland soon followed the state's lead by passing supplemental local ordinances. With the encouragement of public opinion, police officials suppressed bullfighting, bear baiting, and the "fandango houses" (Spanish dance halls).

The Police Court

In March, 1866 the Police Court was created. Presided over by an elected judge, it had jurisdiction over minor criminal cases until well into the twentieth century when it was superceded by the Municipal Court. Proceedings in the Police Court were often informal, and, as recorded in the newspapers of the time, a rough and ready type of justice was dispensed:

A few days ago Alexander Abernathy entered a complaint in the Police Court against Daniel Smith for assault and battery, but before the case could be brought to trial Smith also entered a complaint against Abernathy for the same offense...[Both parties were convicted.]... Smith, in giving the first blow, was guilty of the offense charged, and Abernathy, in striking the man several times after he was down, acted in a manner unwarranted by his own self-protection. Smith was fined \$25; Abernathy was fined \$50. (1868)

Mrs. A. McCann, who refused to go to the Police Court this morning and testify against her husband for his beastly treatment of her, after she had made a complaint against him, was fined \$10 as a defaulting witness. (1879)

"I don't think I was drunk, your honor," said Gus Harland this morning.

"Not drunk?" said the court.

"Not very drunk."

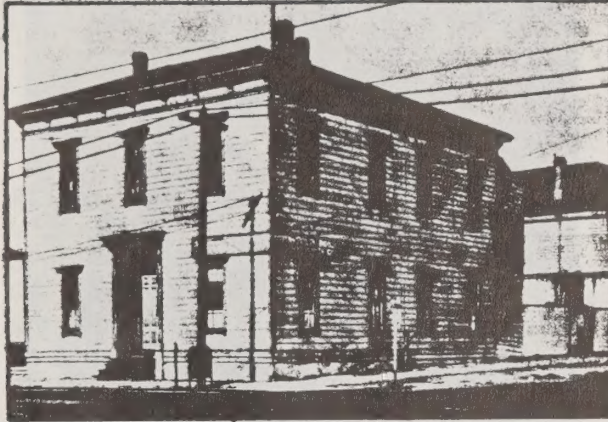
"How drunk?"

"Well -- I could see the moon."

"It was raining hard Sunday night when I arrested that man," said the officer.

"Six dollars or three days. Next." (1880)

Most arrests were for public drunkenness. The arrestees were usually working men who had had a bit too much liquor at the local saloons. There



This unprepossessing building housed Oakland's first jail and the Police Court.

were also arrests for disturbing the peace, brawling, and vagrancy. Drunken or homeless vagrants were locked up for the night, so they would have a place to sleep, and escorted out of town when the sun rose.

There were occasional arrests on morals charges, such as seduction, but there were few serious violent crimes.

On the whole, Oakland was a quiet and law-abiding place and the City's small force was able to meet the needs of the times. Throughout this period, newspaper reports on police activity frequently read, "No arrests made this week."

But the police and the community were shocked when, on October 22, 1867, Officer Richard B. Richardson became the first Oakland policeman to die in the line of duty.

The Death of Officer Richardson

The Centennial Year Book of Alameda County, published in 1876, gave the following account of the circumstances surrounding Officer Richardson's death:

...It appears that the late General Wright, about four years previously, had placed...[John] Thomas in charge of a block of land he owned in Oakland, and on which there was erected a small house. Some short time previous [to the murder], Mr. E. Bigelow had sold this property to some gentlemen who desired to obtain possession of it and gave Thomas legal notice to vacate, but he refused to do so, contending, in true squatter style, that the property was government land, and threatened to shoot anyone who might molest him. For this a



Officer Richard D. Richardson

complaint was made and a warrant issued for his arrest. The arrest was entrusted to Mr. Richardson, and while in the execution of this duty he was shot dead by Thomas. Thomas and his wife (the latter as accessory before the fact) were arrested and lodged in the County Jail at San Leandro by Sheriff Morse, to await trial on the charge of murder.

According to some accounts, Thomas did not claim a right to the land, but only that General Wright had granted him occupancy of it until he returned from a sea voyage. However, Brigadier General George Wright had been lost at sea in the wreck of the "Brother Jonathan" in 1865, two years earlier. Apparently his heirs sold the land (which was at the intersection of Ninth and Castro Streets) to Mr. Bigelow. When Bigelow sold it, the new owners wanted to occupy it themselves.

This was a truly tragic affair. John Thomas was seventy years old. His health failed while he was in the County Jail, and he died on the 17th of March, 1868, five days before his trial was to begin. Charges against his wife had been dropped, and she was with him when he died. Officer Richardson was thirty-five, and left a wife and three children.

As the 1860s drew to a close, Sundays brought a steadily rising influx of visitors from San Francisco and neighboring communities. The San Franciscans were eager to escape the bustle of the city, but visitors from the

In Memorium:

OAKLAND POLICE OFFICERS KILLED
IN THE LINE OF DUTY

1. Richard B. Richardson	October 23, 1867
2. William G. Cashin	March 12, 1893
3. James H. Smith, Jr.	November 27, 1903
4. George W. Brown	December 17, 1904
5. George White	November 25, 1907
6. James J. Fenton	January 4, 1908
7. Charles A. Williams	April 21, 1912
8. Corporal Alfred M. Poulter	August 22, 1914
9. Robert F. Gushe	March 4, 1916
10. Alvin C. Gillem	April 12, 1917
11. C. G. J. Gargadenne	September 6, 1919
12. John F. McCarthy	November 30, 1922
13. Inspector William J. Davis	January 5, 1928
14. Ernest H. Philbrick	February 11, 1929
15. Richard Philpott	January 7, 1931
16. William T. Kohler	July 4, 1931
17. Osborn Asher Lyon	August 19, 1931
18. Michael Moore	April 5, 1935
19. Leo T. Cunningham	July 18, 1940
20. Thomas W. Prindiville	July 6, 1941
21. Elmer E. Norgren	January 15, 1943
22. Wallace J. Muscovich	April 23, 1944
23. Inspector John R. Johnston	June 27, 1946
24. Fred B. Veretto	January 7, 1947
25. James S. Weir	June 2, 1950
26. Donald O. Nielsen	March 22, 1951
27. Marvin Siebert	September 19, 1951
28. Eugene M. Oneto	November 18, 1951
29. David L. Worcester	July 8, 1953
30. John F. Frey	October 28, 1967
31. William L. Martin	October 9, 1970
32. Robert W. Blan	May 23, 1973
33. David G. Guider	October 2, 1973
34. Wendell I. Troyer	October 2, 1973
35. David J. Branhan	February 7, 1974
36. David E. Marks	February 7, 1974
37. Michael Faulkner	June 27, 1981
38. Ramon Irizarry	January 18, 1983
39. Chesley Stephens	November 13, 1984

more remote areas of the East Bay were eager to escape their weekday solitude.

The six-day work week prevailed throughout the United States at that time, and Sunday was the workingman's only day off. While most workers used their free time to enjoy the company of family and friends, or to attend church, there were some who spent their time creating public nuisances. For them it was a day to drink, gamble, brawl, or visit their favorite madams.

Although the size of the Department had grown, it was obvious that an improved organization was necessary and that more police officers were needed on weekends.

Reorganization began early in May, 1867, when the City was divided into three police districts: Central, Northern, and Eastern. A systematic routine was established for patrolling beats.

On May 25, 1867, the City Council empowered the Police Commissioners to hire "Special Officers" to aid in the control of the Sunday crowds. Special officers were not paid out of City funds. Their salaries were provided by local businessmen and property owners. ("Specials" were a part of the Department for many years, and many went on to become regular officers. Their role was similar to that of today's reserves.*)

In 1868, Charles F. McKay was elected Marshal at salary of \$100 per month. McKay was responsible for a department which consisted of at least five officers: J. K. Conroy, I. Held, W. H. Summers, D. H. Rand, and E. H. Woolsey. Whether any "Specials" had been appointed is not clear from the records, but seems likely. McKay also had the responsibility (as had his predecessors) for collecting Oakland's taxes.

The Captain of Police

By 1869 the City had grown to the point at which it was no longer practical to combine law enforcement and tax collection in one office. In recognition of this, in the fall of 1869 the City Council made a significant change in the Department's structure. On October 4, it limited Marshall McKay's function strictly to the collection of taxes. It created the office of the Captain of Police for law enforcement purposes, and appointed Fred B. Tarbett to the new post. He held the office for almost five years.

Captain Tarbett commanded ten regular officers, two detectives, and four Special Officers. One of the detectives, David H. Rand, succeeded him as Captain of Police in 1874. One Special Officer, Adelbert Wilson, became a full-time policeman and rose through the ranks to become Chief of Police in 1906.

*Estimates of Departmental strength during the nineteenth century and the early years of the twentieth are imprecise. Some records of the Department's complement include the Specials, but others do not.



At the corner of 6th and Broadway in 1869, looking south.

THE GROWTH OF THE DEPARTMENT AND THE CITY

Year	Officers	Population	Year	Officers	Population
1854	3	300	1920	250*	216,261
1860	3	1,549	1930	465	284,063
1870	11	10,500	1940	401	302,163
1880	26	34,555	1950	600*	384,600
1890	38	48,682	1960	658	367,548
1900	61	66,690	1970	730	361,607
1910	109	150,174	1980	632	338,721

*Estimated. Population figures based U.S. Census, except for 1854, which is an estimate based on the votes cast in a disputed election.

Captain Tarbett was paid \$150 per month. In 1870 patrolmen earned \$100 per month for their services, and detectives earned \$125 per month.

By the 1870s Oakland had grown big enough to reflect the larger life of the country.

At the beginning of President Grant's second administration several major Eastern banks failed and "the Panic of 1873" ensued. This led to a depression which lasted for the better part of a decade. By 1874 its impact had reached California, and local banks failed, the price of farm goods dropped, unemployment rose, wages fell, and there was increasing animosity in the white working class toward the Chinese, who were seen as undercutting the price of labor and as a cause of unemployment.

This unrest reached Oakland in 1876, and manifested itself on September 12, when an organization calling itself "the Anti-Coolie Club" held a mass meeting in front of City Hall. The purpose of the meeting was to petition the Congress for legislation to curb Chinese immigration. Before the meeting ended, according to the Works Progress Administration's Oakland, 1852-1938,

Emotions were pitched so high that...there were grave fears of mob violence against the Chinese. Threats to burn the local Chinatown and kill some of its leading citizens were thwarted by the prompt action of Captain Rand who augmented his force of patrolmen in that district.



Oakland's Third City Hall
Constructed in 1872, this beautiful building burned
to the ground during a terrible fire in 1877.
While the building was in flames, Captain Rand
rescued the prisoners from the jail in the basement.

In the summer of 1877 there were railway strikes in New York and Pennsylvania which led to bitter struggles between the police and the strikers and the mobs who sympathized with them. In July, Federal troops were called out to quell the riots.

In San Francisco, on July 23, a mass meeting of the unemployed sponsored by the Workingman's Party* developed into a riot against the Chinese and the "capitalists." There was much property damage, including the burning of laundries.

In Oakland, on July 24, J. H. Redstone, who was described as wielding "a strong influence among the labor forces," delivered a rousing speech to Oakland's unemployed at a mass street meeting. The following day, July 25, the City Council acted to "prevent any insurrection or riots similar to those at the East, and under the present excitement to allay any lawlessness which might arise." The Mayor ordered Captain Rand to enroll 500 Special Officers "to be ready if such emergency existed..."

The next day, the Council organized a Committee of Public Safety, and Captain Rand enrolled more than nine hundred and fifty volunteers. He divided the Committee into seven companies, one for each ward of the City, and it cooperated with the Police Department until the City Council felt the emergency was over.

The Workingman's Party subsequently elected Mayor Andrus, a City Attorney, and two Council members in Oakland, won Berkeley's first municipal election, and elected other officials in the East Bay, including John W. Bones, the State Senator for Alameda County. But Oakland remained peaceful throughout the "July riots."

When Bones disappointed the expectations of Workingman's Party members, they held a mass meeting in Oakland and passed resolutions of censure which were sent to him under the following cover letter:

The Citizens of this town have had a meeting this evening, and passed a series of resolutions which will be presented to you for consideration. They demand your resignation. If you fail to do as they demand, the plank which you agreed to accept -- the Kearney plank -- will be enforced!!! We have said it!!!

SKULL, CROSS-BONES AND NOOSE

Bones did not resign and he was not lynched, but he was not reelected.

*Campaign slogans of the Workingman's Party included "The Chinese must go" and "The monied rascals who grind down the workingman must be thrown out of public office." When prosperity returned in the 1880s, the Workingman's Party faded away, most of its members rejoining the Democratic Party.

Captain Rand died in October, 1877. In a special resolution, the Council said of him,

...Whatever he did was done well...he shirked no duty, dared to face danger and his hand went quickly out to arrest the violator and disturber of the law; in every sense of the term he was a true citizen and a bold exponent of the right...

The Mayor said, "The city of Oakland has lost a good and faithful officer, and we, as their representatives, a warm-hearted and genial friend."

Rand was succeeded as Captain by William M. Gray, in October 1878.

From 1852 to 1877 all Oakland police officers wore civilian clothing because it was felt that uniforms would make them too easily recognized by the criminal element. This changed on May 28, 1877, when the City Council appropriated money for uniforms. The earliest patrolman's uniforms were navy blue and made of wool. The coat was fastened with "gold gilt police buttons" and weighed twenty pounds. (The Captain's jacket was double-breasted.) Beneath their coats patrolmen wore wool vests. Shoes were high-laced leather. Broad-brimmed hats were worn initially, and helmets were adopted some years later. Guns were worn in a holster at the side or, in the overcoat, in "a buckskin lined pistol pocket on the inside left breast." Special officers wore gray uniforms. Chasing a suspect on a hot July afternoon must have been exhausting!

The Department's Role

When, early in 1879, Mayor Andrus reported to the City Council on the activities of the Department, he made his speech the occasion for a definition of the role of the Department, a description of the qualities an officer should have, and a criticism of the spoils system:

W. F. Fletcher,* captain of police, has prepared a very complete report of the workings of his department during the year. The standing of the department has been improved, its discipline is better, and there seems to be no reasonable cause for complaint as to its efficiency...

The reputation of a Police Department has great effect upon the order and quietness of any city. It is cheaper and easier to prevent crime

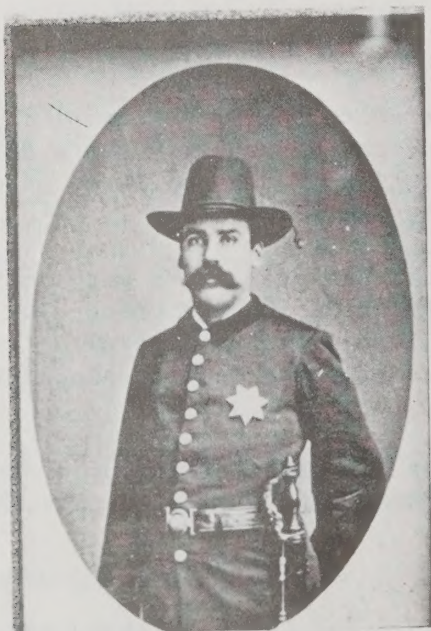
*Willard F. Fletcher, appointed Captain in 1878 and Chief in 1898, was considered to have shown "efficiency and capability" in both terms. The 1916 History of the Police Department says, "Captain Fletcher is living and is still hale and hearty. He enjoys that ripe age which comes from an active life and the satisfaction which comes from knowing that he performed all his official duties in a highly honorable manner."



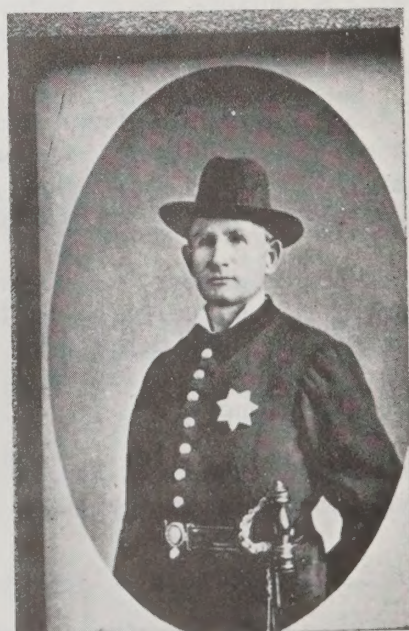
Captain Peter Pumyea



Officer Dennis Holland

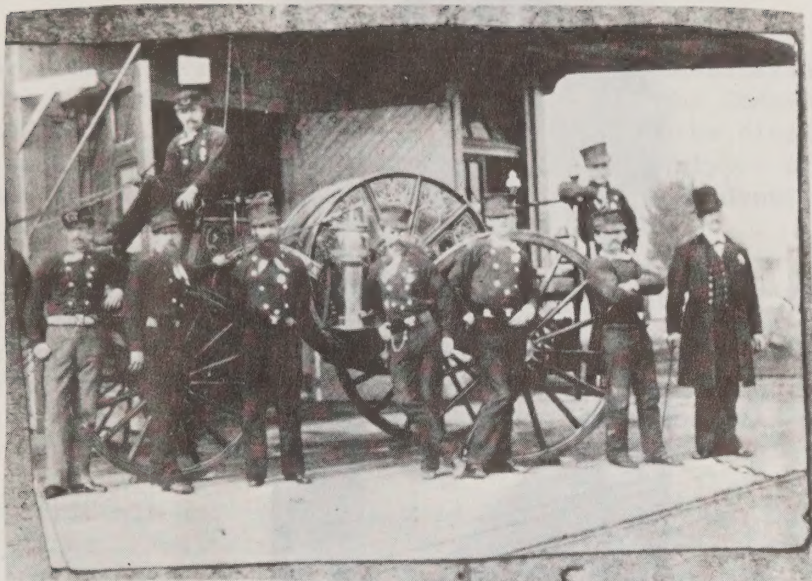


Officer Adelbert Wilson



Officer Frank Grunwald

Dress Uniforms, ca. 1883



One of the early uniformed Patrolmen
stops to have his picture taken with
the Fire Department (ca. 1886)

than to detect it. The knowledge that policemen are vigilant and intelligent, and are present in the places where required, exerts a powerful influence in preventing the commission of crime.

Temperate habits, cool and deliberate judgment, tact and shrewdness, combined with firmness and decision of character, are among the requirements of a police officer. Gentlemanly deportment, coupled with ability to cope with unruly characters, are required. The number of arrests is not a test of efficiency, for that must, to a great extent, depend upon the respectability of the neighborhood in which an officer is stationed for duty.

They should be chosen solely with reference to their fitness for the position. Appointments should not be a reward for political service, nor should they be conferred upon persons through considerations of family connection, or sympathy for those who may have failed in other pursuits...If unworthy men have been placed in positions, if there has been dishonesty, those who are guilty should be promptly removed; but their misdeeds should not be the occasion for the condemnation of men who are above such unworthy practices...

Tenure of office should be secure. Officers who have long been in service, and who have made honorable records, should not be harassed by the fear that they may at any time be displaced by men who have not shown any merits superior to their own...



Mayor Washburne R. Andrus

From the beginning, until the adoption of Civil Service regulations in 1911, the influence of politics was a fact of life in the Department. The City Council and, later, a Board of Police and Fire Commissioners, controlled personnel matters. Officers were hired and fired, promoted and demoted as political power ebbed and flowed from one election to another. Peter Pumyea (Supervisor for the Fifth District) served three separate terms as Captain of Police in 1881, 1883, and 1888 respectively. Adelbert Wilson, one of the most distinguished of Oakland's career officers, was discharged and reinstated several times between 1874 and 1883, after which his service was continuous until his retirement in 1912. Examples could easily be multiplied.

The Department did not do its own recruiting, and did not have explicit guidelines for promotion. In-service training and promotional examinations were undreamed of. Promotions were often politically inspired and rarely based only on merit.

Obviously, not every political appointee was inept or dishonest. Still, it is remarkable that the Department performed as well as it did and was able to retain outstanding officers.

Because recruitment was haphazard, dishonest men were sometimes appointed. Their corruption undercut the work of honest patrolmen and threatened the Department's credibility in the community.

In this, Oakland did not differ from the rest of the country. When President Hayes attempted to put an end to the spoils system in the Federal

government, Congress rebuffed him. It took the assassination of President Garfield by a disappointed office seeker to shock the Congress into approving a Federal Civil Service Commission. But reform of the civil service remained a major issue for many years, and occurred more slowly at state and local levels than in the Federal government. Patronage was deeply entrenched in the political system.

In the 1870s and '80s the Department was chronically short of officers. It also had other problems. The jail, two large iron cells in the basement of "old city hall," was, according to a newspaper description, a damp, musty, poorly ventilated, entirely unsanitary facility, and chronically overcrowded. Furthermore, the lack of space caused juveniles to be confined with hardened criminals, and even then this was recognized as undesirable.

City officials knew that a new facility was needed, but lacked the necessary funds. Following a recommendation by Mayor Andrus, a half measure was adopted. A row of new cells was built in the basement. Constructed of brick and iron at a cost of \$3,000, they allowed the separation of youths from adults, and significantly increased the holding capacity of the facility. Thus rebuilt, the jail was used for forty more years.

The Department also used the jail to provide assistance to the indigent and the homeless. A newspaper report in 1876 said,

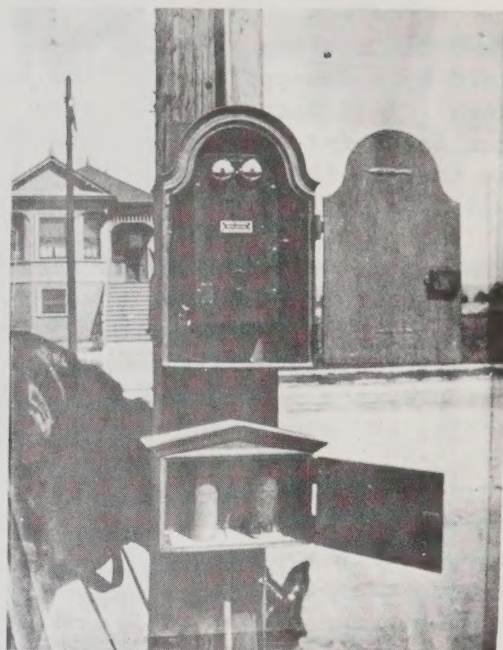
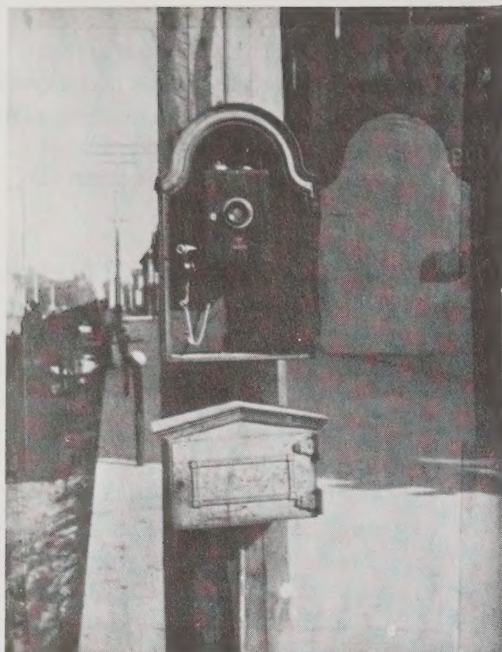
It may not be generally known that the city of Oakland runs a free lodging house, but such is the case. Sleeping apartments, bunks and blankets similar to those provided for the crews of clipper ships, are provided in the City Prison, and any one minus the means to pay for a bed can apply at police headquarters, register their names and obtain a bunk.

This was a substantial service. The records show that temporary quarters were provided for 1,045 people in 1875, 3,394 in 1886, and 2,394 in 1887.

In 1880 the Department consisted of 26 members: Captain Fletcher, 2 Sergeants, 2 detectives, 1 day prison keeper-clerk, 1 night prison keeper-bailiff, 1 night jailer, and 18 patrolmen. When its 15 Special Officers are added to the total, the full complement consisted of 41 officers.

The Policeman's Lot

The early Oakland policeman walking his beat was isolated not only from headquarters but from fellow officers on nearby beats. If trouble developed the beat patrolman had no way to summon help except to use his ivory-carved police whistle. Three blasts meant an officer needed help, and a single answering blast signalled that a nearby patrolman had heard the alarm and was on his way. In an extreme emergency a policeman was allowed to signal his plight by shooting his gun into the air.



Early Call Boxes

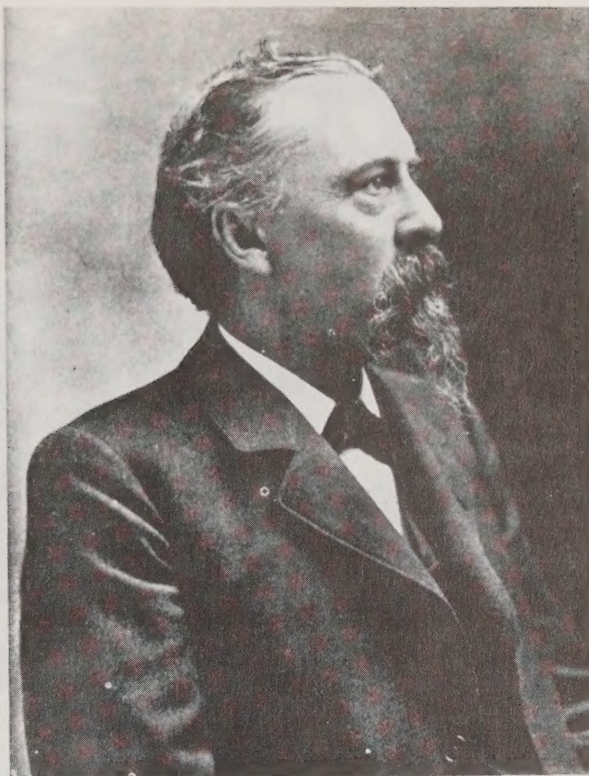
When police call boxes were installed on Oakland street corners, they proved a vast improvement on the whistle. For the first time officers in the field could contact their stations directly. By 1886 (ten years after the invention of the telephone) Oakland boasted thirty-nine of these street corner "police telegraph-boxes."

Department rules required patrolmen to call their divisions from the boxes at least once an hour, at prescribed intervals. Incoming calls went to divisional switchboards. From there, police operators relayed orders, notified patrolmen of incidents requiring their attention, or switched them to their commanders for instructions.

The patrolmen's call intervals were set on the hour, half-hour, and quarter-hour so that the station switchboards could maintain a steady flow of communication with men on beats without jamming the board. Intervals were called "marks."

In a typical exchange the patrolman calling in would say, "Officer Jones for a mark." The switchboard officer might simply acknowledge his report or instruct him to "Hold for orders."

When emergencies arose between normal call intervals, the station could alert patrolmen via a blinking red light on the call boxes. Officers were quick to respond with a return call. As a retired policeman from the call-box era recalled, "They were like fire horses...always eager to get in on something."



Captain W. R. Thomas
(Taken after his election as Mayor in 1897)

Late in the 1880s, during the administration of Captain William R. Thomas (1885-1888),* Oakland purchased its first police wagon. Horse-drawn and manned by two officers, it was used as an ambulance as well as to transport arrestees to jail. Like the call box, the police wagon made an important change in the patrolman's routine. Before the adoption of police wagons, officers routinely escorted prisoners to jail on foot or (in dangerous situations) commandeered a buckboard wagon and drove them there. The police wagon made it much more difficult for an arrestee's friends to attempt a rescue.

According to the History of 1916, "Captain Thomas was a bitter foe of gambling of any character, and due to his vigilance and efforts the privileges of the gambling fraternity were greatly curtailed."

Gambling, practically non-existent in Oakland in 1876, had increased considerably in the following decade, while enforcement lagged. Although

*Like many early officers, Captain Thomas was a veteran of the Civil War. He enlisted as a private in the Illinois Volunteers and rose to the rank of Captain, serving as adjutant on the staff of General Hooker. He was Deputy County Clerk of Alameda County in 1885 when he was elected to the position of Captain of Police by the City Council. After leaving the police service, Captain Thomas served as mayor of the city during the years 1897-98.



The first Departmental patrol wagon, shown on 15th Street between San Pablo and Clay (approximately in the center of present day Washington Street). According to former Chief Petersen, the driver was Officer McKinney. The officer in the rear was Paul R. Rand, brother of Captain Dave Rand.

Captain Thomas made gambling a priority, in 1887 a police court judge complained that lotteries had become so common that the anti-gambling law was a dead letter.

In 1888, when Peter Pumyea began his his third (and final) term as Captain of police, he reaffirmed the policies of Captain Thomas on gambling enforcement by issuing the following instruction:

Each member of the Department shall note all places, rooms, saloons, cigar stores, lottery agencies, tan games, or any place where gambling is carried on by means of cards, dice, or any device for gambling purposes, and arrest each and every person engaged in gambling. I want every officer of the Police Department to give this close attention and to use every means practicable to find out where any game of chance is carried on...Report all such cases to the captain and I will send a detail of officers to assist you at any time, day or night. Arrest all sellers of lottery tickets, white men or women same as Chinese, with no exceptions.

Even so, gambling remained an enforcement problem for many years.

Patrolmen were not specialists. They were expected to be alert for crimes and other problems on their beats and, when possible, to resolve them on their own.

They were also expected to help put out fires, to remove dead animals from the streets (2,514 dogs, horses, goats, cows, and cats in 1900), and to supervise the chain gang of City prisoners who worked repairing streets and sewers.

The Department advertised to find the rightful owners of recovered property. One advertisement read: "There are three of the stolen chickens captured with 'Captain' Charles Davis still at the City Prison awaiting the call of their owners."

Then as now, officers were called upon to deal with odd situations. On July 24, 1894, for example, two officers were summoned by a homeowner to rid his house of the ghost that was haunting him.

Traffic had become dense enough to require regulation. In 1891 Oakland set a speed limit for horses at nine miles per hour. Six years later, a speed limit of eight miles per hour was set for bicycles.

Control of bicycle traffic by foot patrolmen presented a novel problem, to which the Department found an intriguing response. "Violators, when told to stop, usually disregard the command and ride on," a local paper reported. "To prevent this officers in citizen's clothing are mounted on wheels, and the result is a sprinting match, ending at the city jail."

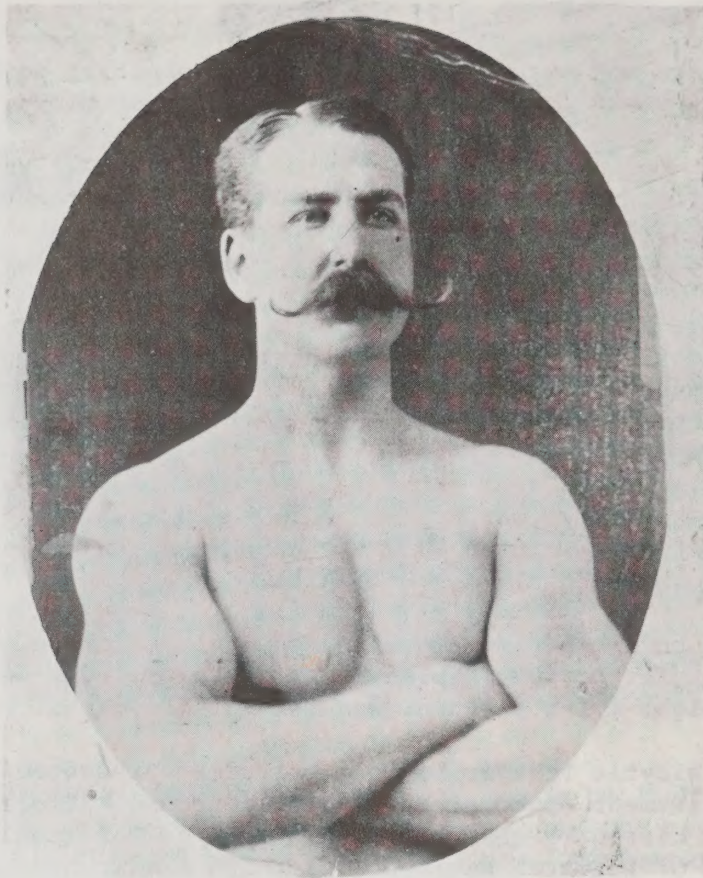
The Chief of Police

In 1889, a new City charter was approved by the Legislature, and the title of head of the Department was changed from Captain to Chief. The first Chief was John W. Tompkins.

The Department led by Chief Tompkins consisted of two captains, two sergeants, and twenty-three patrolmen. Two jailers, one for the day and one for the night, oversaw the City Prison and six neighborhood "lockups." This complement was supplemented by eleven Special Officers.

Two officers were detailed to the Office of the Chief as detectives, and they investigated larcenies, missing persons cases, and homicides that defied the skills of regular patrolmen. They had begun to create an identification file and collect mug shots of known thieves. Reminiscing in 1921 about his days as a detective, Dennis Holland, who served for thirty-five years on the Department (1878-1914), said:

I remember in particular a band of horse and rig thieves that caused us a lot of worry...they certainly were slick performers. They used to work on Wednesday and Sunday nights, stealing handsome carriages and good horses from the church folk. They worked in Oakland, San Fran-



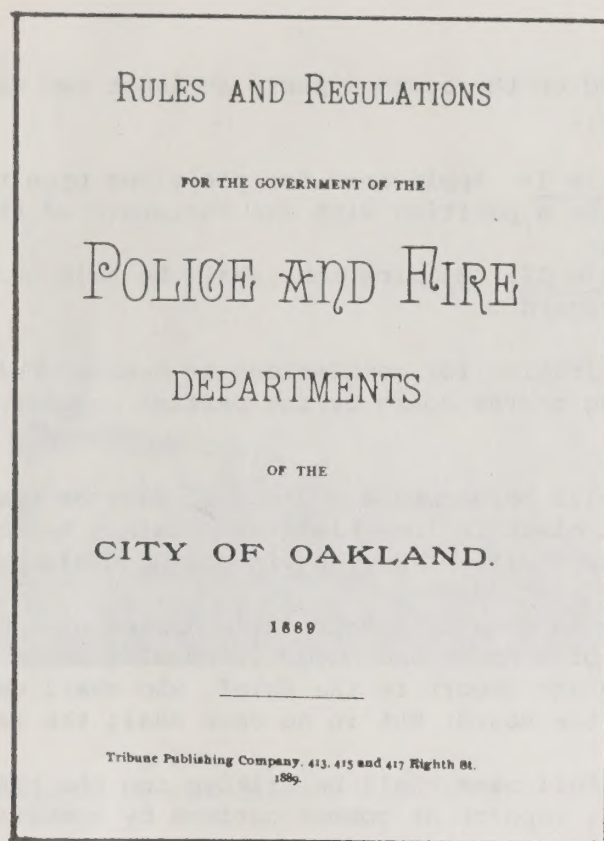
Chief John Tompkins
strikes a boxing pose

cisco, Sacramento, Berkeley and Alameda and had their headquarters in San Jose.

It took a long time to discover the San Jose headquarters, about two years, in fact, but we finally landed them. They had taken the horses and pastured them out, selling them singly, and had a big plant where they repainted the carriages and fixed them up so their own owners wouldn't know them.

The Rules and Regulations of 1889

The 1889 edition of The Rules and Regulations for the Government of the Police and Fire Departments was about the length of today's Departmental Manual of Rules. A comprehensive document, it contained the procedural rules for the Board of Police and Fire Commissioners, the rules and regulations for the two Departments, and guidance on how to operate police and fire call boxes. It also contained digests of the Municipal Code and the Penal Code, with citations from case law and Bishop's Criminal Procedures. The Rules and Regulations were revised periodically, and were almost the only written guidance provided to the officers on the nature and scope of their duties.



The Manual of Rules, 1889

Many of the regulations contained in this booklet would have a familiar ring to today's officers, but others give a unique look at the life of a by-gone era. The following extracts have been selected for the insight they give into police work in those days:

The government of the Police Department and the Fire Department is vested in the Board of Police and Fire Commissioners, three in number, appointed by the Mayor.

The Board governs and controls the business and affairs of these departments...

Rule 4: Two members [of the Board] shall constitute a quorum, and the affirmative votes of two members shall be necessary to pass any order or resolution.

Rule 13: Charges against members of the Police and Fire Department will be investigated at such times as may be ordered by the Board...

Rule 14: Whenever upon a complaint against any member of the Police or Fire Departments a trial shall be ordered by the Board, notice of the time and place of trial, together with a copy of the charges...

shall be served on the accused party at least two days before the time of trial...

Rule 20, Article I: Applicants for positions upon the Police Force shall first file a petition with the Secretary of the Board...

Rule 20, Article II: Examinations shall be held under the supervision of the Board...

Rule 23: Application for commissions as Special Policemen must be made in writing to the Board by the parties requiring their services...

Rule 45: It will be deemed a neglect of duty on the part of an officer or patrolman to lose his star...unless he shall show...that the loss occurred without any negligence upon his part...

Rule 65: When in case of emergency requiring prompt action, such as ...the hiring of a horse and buggy...the officer in charge shall order the same and report to the Chief, who shall certify to the same and report to the Board; but in no case shall the cost exceed \$10.

Rule 68: The full name shall be written and the rank affixed in all police records, reports or communications by members of the force.

Rule 79: All members of the force who find horses and cattle astray must report them to the officer in charge at the station, who will cause the same to be cared for.

Rule 85: One-half pay will be allowed for a period of twenty days each year for absence on account of ordinary sickness...For disability received while in the direct line of police duty, full pay will be allowed for a period not to exceed thirty days at one time. If the disability exceeds thirty days, such pay will be allowed as the Board may direct...

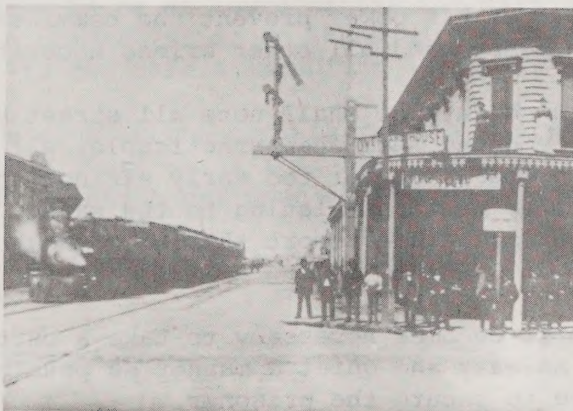
Rule 87: A leave of absence of twelve days, which must be taken within the year, shall be granted to each member of the force annually and without loss of pay...

Rule 90: None but members of the force, or citizens upon police business, will be allowed to remain in the Station House. No loafing or lounging around, or profane or indecent language, disorderly conduct or noise will be allowed therein.

Rule 101: He [the patrolman] shall cause all children who have strayed, or infants who have been abandoned, to be taken to the residence of their parents, if known, and within the bounds of his beat, and if not, to the station house...



"Old City Hall," ca. 1895
 Replaced by the current City Hall in 1914



Overland House, ca. 1875
 Embarcadero and Broadway



Ninth and Washington Streets, ca. 1890

Rule 102: He shall take note of all contagious disease, or sudden deaths where there is reasonable grounds to suspect criminality, and render immediate aid in cases of accident or illness in the streets...

Rule 103: He must strictly watch the conduct of all persons of known bad character, fixing in his mind such impressions as will enable him to recognize persons who he frequently meets in the streets at night, and to the utmost of his power prevent the commission of assaults, breaches of the peace, and all other crimes about to be committed.

Rule 105: While on duty he shall note all street and sidewalk obstructions...removing them when practicable, all street lamps not lighted at the proper time, or too early extinguished...and all nuisances and other matters relating to the safety and convenience of the public...and shall make report thereof without delay to his Captain.

Rule 107: When it becomes necessary to take a party into custody he shall do so in as easy and quiet a manner as possible, using only sufficient force to secure the prisoner.

Rule 110: It shall be the duty of a police officer to keep a private record of his work, with day and dates, and he shall enter therein all matters of any importance in all work in which he is engaged in his official capacity...and when his book is full it shall be carefully preserved for future use and reference, and he shall commence another.



Departmental Sharpshooters, ca. 1897

Rule 125: He [the Chief] shall keep a book in which shall be recorded all orders promulgated by him...

Rule 137: ...All cases requiring their [the detectives] services must reach them through the office of the Chief of Police, and all communications pertaining to cases upon which they are employed ...must be sent direct to the head office.

Rule 139: They [the detectives] shall keep a memorandum and report same each day to the Chief or Captains, of all thieves or ex-convicts whom they know to be at large within the city limits...They must not take it upon themselves to go ahead with a case without first being detailed so to do, unless immediate action is absolutely necessary.

Rule 142: As soon as the gong is rung from the City Prison he [the patrol wagon driver] shall instantly harness the team to the wagon and be ready to start out upon the arrival of the officer.

The digest of the Oakland Municipal Code quoted, among others, the following prohibitions:

...firing off cannon or anvils in the City of Oakland...

...boys under the age of sixteen...getting on or off steam cars while in motion.

...cattle being driven through the streets between the hours of six o'clock A.M. and 12 o'clock midnight.



Chief Fletcher and Members of the Department



Chief Fletcher and His Staff
(Captain Adelbert Wilson is seated to his right.)

...cleaning carriages, buggies, or wagons on the street.

...allowing horses or mules to stand in the street without being properly secured.

...keeping or maintaining a resort where opium is smoked.

...selling or giving away any spiritous, malt or fermented liquors...between the hours of twelve o'clock midnight and five o'clock A.M.

The Penal Code contained the familiar felonies and misdemeanors. Of the sections quoted, perhaps 647 P.C., Vagrants, has changed most over the years:

Every person (except a California Indian) without visible means of living, who has the physical ability to work, and who does not for the space of ten days seek employment, nor work when employment is offered him; every healthy beggar who solicits alms as a business; every person who roams about from place to place without any lawful business; every idle or dissolute person, or associate of known thieves, who wanders about the streets at late or unusual hours of night, or who lodges in any barn, shed, shop, outhouse, vessel, or place other than such as is kept for lodging purposes without the permission of the owner or party entitled to the possession thereof; every lewd and dissolute person who lives in and about houses of ill-fame, and every common prostitute and common drunkard, is a vagrant, and punishable by imprisonment in the County Jail not exceeding ninety days.

The courts interpreted the statutes differently in those days, as can be seen from the following passages:

An officer proceeding legally in the service of a warrant cannot be lawfully resisted, obstructed or delayed upon the pretense (even though the pretense be true) that the entry was illegal or that illegal force was used in making it... (People v. Gentry)

When a party is arrested in the commission of an offense or upon fresh pursuit afterwards, notice of the official character of the person making the arrest...is not necessary (People v. Poole)

One having custody of an arrested person should treat him kindly; but, as we have seen, he may even inflict death to prevent his escape, when no other means are available... (Bishop)

In a note on these extracts, however, the Manual gives this advice:

...as a general rule, officers should be cautious and tardy in taking or jeopardizing human life.

Felons clearly guilty should not be permitted to escape; but for trifling misdemeanors a human life should not be imperilled. Officers when making arrests or quelling disturbances should frequently and loudly proclaim their authority and keep their stars exposed, so that interested parties and bystanders shall have no excuse for not submitting to and aiding in the enforcement of the law.

An unattributed discussion of confessions, evidently written by a member of the Department or a City Attorney, is clearly pre-Miranda:

Confessions are received, if free and voluntary, as deserving of the highest credit, because they are presumed to flow from the strongest sense of guilt, and therefore they are admitted as proof of the crime to which they refer; but a confession forced from the mind by the flattery of hope, or the torture of fear, is rejected.

In order that a confession be received as evidence it is not necessary that the person making it be previously notified that the statement to be made by him will be used as evidence against him...

Jack London

One of the more notable arrests made by the Department occurred on February 10, 1897, when officers took 21-year old Jack London (then known locally as "the boy socialist") into custody for a misdemeanor violation of a City Ordinance.

London had recently dropped out of the University of California at Berkeley and become heavily involved in the activities of the Socialist Labor Party. As Lincoln's birthday approached, the Oakland Chapter of the Party decided to challenge Oakland Municipal Ordinance 1676, which declared it to be:

unlawful for any person to conduct or take part in any public meeting held on any public street situated within the fire limits of the City of Oakland unless permission to hold such a public meeting has been first obtained in writing from the Mayor.*

Members of the Party felt that the Ordinance infringed on their First Amendment rights, and the leaders asked for volunteers to break the law in order to test it in court. London volunteered. According to Russ Kingman, in The Pictorial Life of Jack London, London mounted a soapbox in the park at Tenth and Broadway and began "harranging the crowd in grand style. The police promptly arrested him and took him to jail." (The Departmental log book shows that London was booked at 8:10 P.M. by Officer Henderson.)

*This statute was amended in October 1897 and again on May 18, 1915. It is currently OMC Section 3-6.04, Street Meetings.



Jack London

Kingman continues,

He demanded a jury trial. The trial was held in Police Court on February 18, 1897, Judge Samuels presiding. Speaking in his own defense, he convinced all but one juror to vote for acquittal. On February 26, the City dropped the case.

The trial gained a great deal of newspaper publicity for the Socialist Worker Party.

A Backward Glance

Before proceeding (in Part II) to describe the emergence of today's Department amidst the changes which occurred in Oakland after the turn of the century, it may be worthwhile to pause briefly to look back at the results of the first fifty years of the Department's work.

Operating primarily in an "order maintenance" mode (though it was not called that in those days) the Department had helped Oakland to acquire and keep a reputation as a quiet, peaceful place to go on Sunday outings.

Municipal Justice in the Melting Pot, Robert Percival's analysis of arrest rates in Oakland, shows why.

In his analysis of the total number of annual arrests between 1868 and 1910, Percival found the following pattern:

...at the start of the period, the number of arrests made annually in Oakland was miniscule; only 368 arrests, roughly one per day, were made in 1868. During the next decade, however, the number of arrests rose sharply in almost every year, peaking during the civil disorder of 1877 at 2,939...During the next seven years the trend was reversed: the number of arrests fell and then remained essentially flat through 1884. In the following six years an uptrend again took hold



An Aerial View of Oakland in 1893

until in 1890, 4,180 people were arrested, nearly double the 2,112 in 1884. Despite population growth and increases in police manpower, the number of arrests declined in seven of the ten years of the 1890s.

The great majority of these arrests -- but not all -- were for public drunkenness and other minor offenses. He found that,

Changes in the late nineteenth century. Oakland arrest rates also suggest a long, deep decline in the rate of serious crime...The decline is particularly sharp for property crimes, such as burglary and grand larceny. In 1875, for example, there were 197 arrests for felonies against property...Twenty five years later at the turn of the century, Oakland's population had tripled, but the number of arrests for property felonies was only 35...

The arrest rate for felonies against persons (murder, rape, robbery, assault with a deadly weapon) also dropped sharply, particularly between 1880 and 1910, when it fell to less than one-third of its previous level...

According to Percival, the city physician only reported two homicides between 1870 and 1875. In 1892, the Alameda County Coroner reported only four homicides in the county, which was "a rate of less than .04 per thousand population, less than one-fourth the reported homicide rate for the county in 1878..."

Percival concluded,

During the last quarter of the nineteenth century, Oakland appears to have become a less violent and a more orderly community. The evidence of declining felony arrest rates in the face of urbanization, rapid population growth, and the development and expansion of a municipal police force ...[suggests] a significant and sustained decline in the rate of serious crime in Oakland during the last three decades of the nineteenth century.

These statistics record a great success for the community and for the Department. They are somewhat surprising, however, because they certainly seem to contradict some of the conventional wisdom of our own time. For example, increases in the number of officers did not automatically lead to increases in the number of arrests, but did correspond to decreases in the crime rate. And it does appear that the order maintenance mode (assisted by frequent use of the vagrancy statutes) had a positive impact on the community's sense of security.

It is possible that the arrest statistics would have been higher if enforcement of the statutes prohibiting gambling, prostitution, and certain other crimes had been a consistently high Departmental priority. The record shows that when vice was obviously out of hand, the Department diverted officers from their regular duties and conducted "cleanups," but when vice kept a relatively low profile, enforcement was correspondingly less intense.

Throughout the period there were occasional complaints about the Department from citizens. These involved insufficient enforcement of gambling laws, officiousness in the arrest of quiet drunks, and (rarely) the police use of weapons. Generally, however, the relationship between the officers and the citizens was good, and the Department had a high reputation in the community.

On the whole, then, during its first fifty years, the Department accomplished its mission successfully. Mayor Andrus was only describing the reality when he said, in 1879, that "Life and property are unusually secure in Oakland..."

(To be continued.)

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